

REMARKS

I. Formalities

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and for confirming receipt of the certified copy of the priority document that was submitted on May 27, 2005.

Applicant thanks the Examiner for indicating that the drawings filed on May 26, 2005 have been accepted.

Finally, Applicant thanks the Examiner for considering the references cited with the Information Disclosure Statements filed on May 27, 2005, November 28, 2005 and December 18 2006, respectively.

II. Status of Application

By the present Amendment, Applicant amends claim 1 and adds claims 10-19 to more fully cover various implementations of the invention. The amendments to claim 1 are not made for patentability reasons and do not narrow the scope of the claims. Accordingly, this amendment does not foreclose application of reasonable equivalents.

Claims 1-19 are all the claims pending in the Application. Claims 1-9 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

III. Claim Rejections under 35 USC § 102(b) over US patent no. 6,839,642 to Kawakita et al (“Kawakita”)

Claims 1-9 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kawakita. Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

According to the MPEP, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131). Applicant respectfully submits that claims 1-9 positively recite limitations which are not disclosed (or suggested) by Kawakita.

First, claims 1-9 recite an infinite element model preparation step of preparing infinite element models for the plurality of wires and the bend protection member. Contrary to claims 1-9, the method disclosed by Kawakita involves converting the wire bundle into a single wire model. See Kawakita col. 5, lines 5-6. However, as pointed out in the present specification, for example, there are many shortcomings of a single wire model, like the one disclosed in Kawakita. See Specification page 3, lines 1-9. In stark contrast to the recitations of claims 1-9, Kawakita provides no disclosure whatsoever regarding such an infinite element model preparation step of preparing infinite element models for the plurality of wires and the bend protection member, as claimed. In fact, Kawakita discloses quite the opposite—the use of a finite element method. See Kawakita col. 5, lines 6-7

Second, claims 1-9 further require calculating stress for each of infinite elements in the infinite element mode and Kawakita also fails to disclose this feature. Indeed, since Kawakita discloses the use of a finite element model, Kawakita does not disclose, and cannot possibly suggest, calculating stress for each of infinite elements in the infinite element models as claimed.

Third, Kawakita fails to disclose a setup step of setting up an atmosphere temperature, as further recited in claims 1-9. While an objective of Kawakita is to provide estimation of flexure life at low temperatures, there is no disclosure of a set up step involving setting up an atmosphere temperature, as claimed. *See* Kawakita col. 10, lines 4-9.

Therefore, Applicant submits that claims 1-9 are not anticipated by Kawakita for *at least* these reasons and respectfully requests that the Examiner withdraw these rejections.

IV. New Claims

Applicant hereby adds new claims 10-19 to more fully protect the present invention. No new matter has been added. Applicant respectfully submits that claims 10-19 are allowable *at least* by virtue of the recitations set forth therein.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 10/536,752

Attorney Docket No.: Q88220

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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